REMARKS

This response is intended as a full and complete response to the final Office Action mailed May 16, 2006. In the Office Action, the Examiner notes that claims 1-25 are pending and rejected. By this response, the Applicants have amended claims 1-2, 8 and 22-23.

In view of both the amendments presented above and the following discussion, Applicant submits that none of the claims now pending in the application are obvious under the provisions of 35 U.S.C. §103. Further, Applicant respectfully submits that all of the claims contain satisfy the requirements of 35 U.S.C. §112. Thus, Applicant believes that all of the claims are now in allowable form.

It is to be understood that Applicant, by amending the claims, does not acquiesce to the Examiner's characterizations of the art of record or to Applicant's subject matter recited in the pending claims. Further, Applicant is not acquiescing to the Examiner's statements as to the applicability of the prior art of record to the pending claims by filing the instant response.

Amendments to the Claims

By this response, Applicant has amended claims 1, 8 and 22-23. The amendments the claims are fully supported by the Application as originally filed.

For example, the amendments to claims 1, 8 and 22-23 are supported at least by page 55, lines 20-22; 115, lines 1- 10.

Thus, no new matter has been added in the Examiner is respectfully requested to enter the amendments.

35 U.S.C. §112, ¶1 Rejection of Claim 2

The Examiner has rejected claim 2 under 35 U.S.C. 112, ¶1, as failing to comply with the written description requirements. In particular, the Examiner finds that claim 2 contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Applicant respectfully traverses the rejection.

Applicant asserts that the originally filed specification does support this feature. However, for clarity, claim 2 has been amended to remove the subject matter that the Examiner found to be not enabled. Because the subject matter is no longer in the claim, Applicant respectfully requests the rejection be withdrawn.

35 U.S.C. §103 Rejection of Claims 1-7

The Examiner has rejected claims 1-7 under 35 U.S.C. §103(a) as being unpatentable over Goldstein U.S. Patent 5,410,326 (hereinafter "Goldstein") in view of Strubbe et al. U.S. Patent 5,047,867 (hereinafter "Strubbe"). Applicant respectfully traverses the rejection.

Claim 1 recites:

> 1. A set top terminal for generating an interactive electronic program guide for display on a television connected thereto, the terminal comprising:
> means for retrieving information about a subscriber;
> means for receiving a television signal;
> means for extracting individual programs from the television signal;
> means to demultiplex video, audio, graphics and text;
> means to separately access the audio while a program extract from the television signal is being displayed;
> means for generating an electronic program guide for controlling display of content on a television screen, the guide comprising a plurality of menus including:
> a home menu;
> a plurality of major menus displayed as menu options on the home menu;
> a plurality of sub-menus displayed as menu options on the plurality of major menus; and
> a plurality of during programming menus enacted after selection of a program,
> wherein at least one of the plurality of menus comprises the demultiplexed video, graphics and text, and wherein at least one of the plurality of major menus comprises displaying a plurality of audio choices for accessing the audio; and
> means for receiving the selection signals from a user input. (emphasis added).

The test under 35 U.S.C. §103 is not whether an improvement or a use set forth in a patent would have been obvious or non-obvious; rather the test is whether the claimed invention, considered as a whole, would have been obvious. Jones v. Hardy, 110 USPQ 1021, 1024 (Fed. Cir. 1984) (emphasis added). Moreover, the invention as a whole is not restricted to the specific subject matter claimed, but also embraces its properties and the problem it solves. In re Wright, 6 USPQ 2d 1959, 1961 (Fed. Cir. 1988) (emphasis added). The Goldstein and Strubbe references alone or in combination fail to teach or suggest Applicant's invention as a whole.

Specifically, the Goldstein reference fails to teach or suggest at least "means to separately access the audio while a program extract from the television signal is being displayed;" and "wherein at least one of the plurality of major menus comprises displaying a plurality of audio choices for accessing the audio;" as recited in independent claim 1 as amended.

The Goldstein reference discloses a "universal remote control device which is programmed to operate a variety of consumer products" (Abstract). However, the Goldstein reference does not teach or suggest a means to separately access demultiplexed audio, or that at least one menu comprises displaying the audio choices for selection.

The Strubbe reference fails to bridge the substantial gap between the Goldstein reference and Applicant's invention. In particular, Strubbe discloses a system for integrating the operation and control of a television receiver and a VCR. Nowhere in Strubbe is there any teaching or suggest of at least Applicant's claimed "means to separately access the audio while a program extract from the television signal is being displayed;" and "wherein at least one of the plurality of major menus comprises displaying a plurality of audio choices for accessing the audio."

Even if Goldstein and Strubbe can be operably combined, the combination would still lack a means to separately access demultiplexed audio, and that at least one menu comprises displaying the audio choices for selection.

As such, claim 1 is patentable over Goldstein in view of Strubbe under 35 U.S.C. §103(a). Furthermore, claims 2-7 depend, directly or indirectly, from independent claim 1, while adding additional elements. Therefore, claims 2-7 are also patentable over

Goldstein in view of Strubbe under §103 for at least the same reasons that claim 1 is patentable over Goldstein in view of Strubbe under §103.

Therefore, Applicant respectfully requests that the Examiner's rejection be withdrawn.

35 U.S.C. §103 Rejection of Claims 22 and 23

The Examiner has rejected claims 22 and 23 under 35 U.S.C. §103(a) as being unpatentable over Banker et al. (U.S. Patent 5,477,262, hereinafter "Banker") in view of Strubbe.

Claim 22 recites:

> 22. A set top terminal for generating an interactive electronic program guide for display on a television connected to the set top terminal, the terminal comprising:
> means for retrieving information about a subscriber;
> means for receiving a television signal;
> means for extracting individual programs from the television signal;
> means to demultiplex video, audio, graphics and text;
> means to separately access the audio while a program extract from the television signal is being displayed;
> means for generating an electronic program guide for controlling display of content on a television screen, the guide comprising a plurality of menus including:
> a plurality of interactive menus, each corresponding to a level of interactivity and having one or more interactive menu items for selection; and
> a main menu having one or more main menu items for selection, which main menu items correspond to the interactive menus, wherein the menus are navigated using a user input, and wherein the main menu items and the interactive menu items are responsive to selection signals received from the user input,
> wherein at least one of the plurality of menus comprises the demultiplexed video, graphics and text, and wherein at least one of the plurality of menus comprises displaying a plurality of audio choices for accessing the audio; and
> means for receiving the selection signals from the user input. (emphasis added).

The Banker and Strubbe references, alone or in combination, fail to teach or suggest Applicant's invention as a whole.

Specifically, the Banker reference fails to teach or suggest at least "means to

separately access the audio while a program extract from the television signal is being displayed;" and "wherein at least one of the plurality of menus comprises displaying a plurality of audio choices for accessing the audio;" as recited in independent claim 22 as amended, and as substantially similarly recited in independent claim 23 as amended.

The Banker reference discloses an "[a]pparatus for providing a user friendly interface to a subscription television terminal comprises a key pad arranged into a plurality of key groupings and an on-screen display controller for generating a plurality of screens for display on an associated television receiver" (abstract). However, the Banker reference does not teach or suggest a means to separately access demultiplexed audio, or that at least one menu comprises displaying the audio choices for selection.

The Strubbe reference fails to bridge the substantial gap between the Banker reference and Applicant's invention. As discussed above, nowhere in Strubbe is there any teaching or suggestion of at least Applicant's claimed "means to separately access the audio while a program extract from the television signal is being displayed;" and "wherein at least one of the plurality of menus comprises displaying a plurality of audio choices for accessing the audio;"

Even if Banker and Strubbe can be operably combined, the combination would still lack a means to separately access demultiplexed audio, and that at least one menu comprises displaying the audio choices for selection.

As such, claim 22 is patentable over Banker in view of Strubbe. Claim 23 recites relevant limitations similar to those recited in claim 22 and, accordingly, for at least the same reasons discussed above with respect to claim 22, claim 23 also is patentable over Banker in view of Strubbe.

Therefore, Applicant respectfully requests that the Examiner's rejection be withdrawn.

35 U.S.C. §103 Rejection of Claims 8-21

The Examiner has rejected claims 8-21 under 35 U.S.C. §103(a) as being unpatentable over Banker in view of Strubbe and U.S. Patent 5,539,871 to Gibson (hereinafter "Gibson"). Applicant respectfully traverses the rejection.

Claim 8 recites:

8. A set top terminal for generating an interactive electronic program guide for display on a television connected to the set top terminal, the terminal comprising:
means for receiving a television signal;
means for extracting individual programs from the television signal;
means to demultiplex video, audio, graphics and text;
means to separately access the audio while a program extract from the television signal is being displayed;
means for generating an electronic program guide for controlling display of content on a television screen, the guide comprising:
a plurality of menus, wherein at least one of the menus comprises the demultiplexed video, graphics and text, and wherein at least one of the menus comprises displaying a plurality of audio choices for accessing the audio;
a logo that is displayed on the television screen during one of the programs, which program has one or more interactive features; and
an overlay menu that is displayed during the one of the programs, the overlay menu including the interactive features; and
means for receiving selection signals from a user input,
wherein the logo indicates to a user that the interactive features are available for the program, and wherein the overlay menu is displayed in response to a signal received from the user input. (emphasis added).

The Banker, Strubbe and Gibson references, alone or in combination, fail to teach or suggest Applicant's invention as a whole.

Specifically, the Banker and Gibson references fail to teach or suggest at least the "means to separately access the audio while a program extract from the television signal is being displayed;" and an electronic program guide comprising "a plurality of menus... wherein at least one of the plurality of menus comprises displaying a plurality of audio choices for accessing the audio" as recited in claim 8 as amended.

The Banker reference discloses overlaying characters on a video pattern. However, the Banker reference does not teach or suggest separately accessing demultiplexed audio, and that at least one menu comprises displaying the audio choices for selection.

The Gibson reference fails to bridge the substantial gap between the Banker reference and Applicant's invention. In particular, Gibson discloses a "method and

system in a data processing system for selectively associating stored data with an animated element within a multimedia presentation in a data processing system" (abstract). The Gibson reference also does not teach or suggest separately access demultiplexed audio and that at least one menu comprises displaying the audio choices for selection

Even if Goldstein and Strubbe are operably combined, the combination would still lack a means to separately access demultiplexed audio, and that at least one menu comprises displaying the audio choices for selection.

The Strubbe reference discloses a system for integrating the operation and control of a television receiver and a VCR.

Nowhere in the Strubbe reference is there any teaching or suggestion of at least Applicant's claimed "means to separately access the audio while a program extract from the television signal is being displayed;" and an electronic program guide comprising "a plurality of menus... wherein at least one of the plurality of menus comprises displaying a plurality of audio choices for accessing the audio."

Even if Banker, Gibson and Strubbe could be operably combined, the combination would still lack a means to separately access demultiplexed audio, and that at least one menu comprises displaying the audio choices for selection.

Thus, the Banker, Strubbe and Gibson references fail to teach or suggest the Applicant's claimed invention as a whole. As such, Applicant's independent claim 8 is patentable under 35 U.S.C. §103(a) over Banker in view of Strubbe and Gibson. Furthermore, claims 9-21 depend, directly or indirectly from independent claims 8 and 23, while adding additional elements. Therefore, claims 9-21 are also patentable over Banker in view of Strubbe and Gibson under 35 U.S.C. §103(a).

Therefore, Applicant respectfully requests that the Examiner's rejection of claims 8-21, 24 and 25 under 35 U.S.C. §103(a) be withdrawn.

35 U.S.C. §103 Rejection of Claims 24 and 25

The Examiner has rejected claims 24 and 25 under 35 U.S.C. §103(a) as being unpatentable over Banker and Strubbe, as applied to claim 23 above, and further in view of Gibson. Applicant respectfully traverses the rejection.

Each of the grounds of rejection applies only to dependent claims, and each is predicated on the validity of the rejection under 35 U.S.C. §103 for the corresponding independent claims. Since the rejection of the corresponding independent claims under 35 U.S.C. §103 has been overcome, as described hereinabove, and there is no argument put forth by the Office that any other additional references supply that which is missing from Banker and Strubbe to render the independent claims unpatentable, these grounds of rejection cannot be maintained.

Therefore, Applicant respectfully requests that the Examiner's rejection of claims 2-6 under U.S.C. §103(a) be withdrawn.

CONCLUSION

Thus, Applicant submits that all of the claims presently in the application are allowable. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon J. Wall or Jasper Kwoh, at (732) 530-9404, so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

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